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MAR 10 2010

OFFICE OF PETITIONS

In re Application of :
Wang : DECISION ON PETITION
Application No. 10/781,327 :
Filed: February 17, 2004 :
Atty. Dkt. No.: 944-003.103-2 :
:

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 24, 2009.

This application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed April 8, 2008. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed February 9, 2009.

Petitioners argue that a proper response to the non-final Office action was timely submitted on June 25, 2008. Petitioners have provided a copy of the reply.

Review of Office records reveals that the response received at the USPTO on June 25, 2008 while intended for instant application referenced U.S. App. No. 10/702,217. As a result of applicants' error, the application was held abandoned. However, a review of the reply reveals that it contained sufficient identifiers to associate it with the correct application.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the response. The Office elects, in this instance, to treat applicant's error as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to the Group Art Unit 2419 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

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